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In re Patent Application of:
GREGG ET AL.
Serial No. 10/763,787
Confirmation No. 7948
Filed: JANUARY 23, 2004

REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for extending all courtesies during a telephonic interview of June 14, 2007. During the telephonic interview, Applicants presented several arguments to the Examiner, summarized below.

Applicants have amended independent Claim 61 to remove the recitation of "cutting the core material and at least one face layer secured thereto into a plurality of uncured wallboard or backerboard sheets". Applicants have added new dependent Claims 77, which includes the subject matter of former independent Claim 61, and 78. Support for new dependent Claim 78 may be found on page 22, lines 1-18. Applicants submit that all claims are patentable and present arguments and amendments herein supporting such patentability.

I. The Claimed Invention

Independent Claim 61, for example, is directed to a method for making wallboard or backerboard sheets. The method comprises dispensing materials for making aerated concrete into a mold and allowing the materials to rise and stiffen into a body, and dividing the body into uncured sheets having opposing first and second major surfaces to serve as the core material. Claim 61 has been amended to recite the method includes securing at least one face layer on at least one of the first and second major surfaces of the core material, and curing the uncured core material with the at least one face layer secured thereto in an autoclave.

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Independent Claim 68 is directed to a method for making at least one of a wallboard or backerboard sheet. The method comprises forming an aerated concrete core having opposing first and second major surfaces and at least one face layer thereon. The aerated concrete core also has a generally rectangular shape defining a pair of opposing side edges and a pair of opposing end edges, and the first major surface has beveled portions adjacent respective opposing side edges. The method further includes curing the aerated concrete core in an autoclave.

Independent Claim 73 is also directed to a method for making at least one of a wallboard or backerboard sheet. The method comprises forming an aerated concrete core having opposing first and second major surfaces and at least one face layer thereon. The aerated concrete core also has a generally rectangular shape defining a pair of opposing side edges and a pair of opposing end edges, and the at least one face layer extends around the opposing side edges. The method also includes curing the aerated concrete core in an autoclave.

II. The Claims Are Patentable

The Examiner rejected: former independent Claim 61 over Blom in view of Emerson or Teare; independent Claim 68 similarly over Blom in view of Emerson or Teare, and further in view of Lawlis et al.; and independent Claim 73 similarly over Blom in view of Emerson or Teare, and further in view of Mathieu. Blom discloses a method and apparatus for making blocks of aerated concrete. The method includes forming a

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block of uncured aerated concrete, cutting the uncured concrete block in one direction, subsequently cutting the uncured concrete block in a perpendicular direction, and curing the crosscut concrete block in an autoclave. The Examiner correctly notes that Blom fails to disclose securing the face layer on the major surfaces of the core material, as recited in amended independent Claim 61, for example.

The Examiner looked to either Emerson or Teare to supply for this deficiency of Blom. Emerson discloses a method for reinforcing gypsum wallboard comprising layers of cardboard and gypsum plaster. Emerson discloses applying a layer of "meshed material, such as cotton gauze or perforated paper" to the wallboard. (Emerson: Col. 1, lines 35-40). Teare discloses a method and apparatus for making concrete boards. The Examiner's stated motivation to combine the face layers of either Emerson or Teare into Blom is to improve the strength of Blom's aerated concrete.

During the telephonic interview, the Examiner invited Applicants to submit written arguments regarding the order of steps in the claimed invention. Amended independent Claim 61 recites dividing the body into a plurality of uncured sheets, securing at least one face layer on at least one of the first and second major surfaces of the core material, and curing the uncured core material with the at least one face layer secured thereon in an autoclave. Independent Claims 68 and 73 recite forming an aerated concrete core having opposing first and second major surfaces and at least one face

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layer thereon, and curing the aerated concrete core in an autoclave.

Emerson discloses that the mesh layer is applied to the plaster in a "plastic state," (Emerson: Col. 2, lines 72-77). Emerson does not disclose how the plaster and mesh layer are cured. Teare discloses that the cement slurry core is applied to a backside of the first face layer, and subsequently, the second face layer is applied to the opposite side of the slurry core thereafter to form a panel. (Teare: Col. 6, line 36 through Col. 7, line 4). Teare discloses air curing the stacked uncured panels for 24 hours. (Col. 8, lines 3-16).

Applicants submit that the proposed combination does not disclose or fairly suggest every feature of the claimed invention. The claimed invention now includes dividing the body into a plurality of uncured sheets, securing at least one face layer to the core material, and curing the uncured core material with the at least one face layer secured thereto in an autoclave, as recited in amended independent Claim 61, for example. None of the cited references discloses or fairly suggests the order of the claimed invention. Therefore, for this reason alone, amended independent Claim 61 and independent Claims 68 and 73 are patentable over the prior art.

Applicants also submit that the proposed combination is improper, and that a person of ordinary skill in the art would be taught away from such a selective combination. The claimed invention includes curing the uncured core material

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with the at least one face layer secured thereon in an autoclave, as recited in amended independent Claim 61, for example. Applicants submit that the person of ordinary skill in the art would consider autoclaving the fiber glass fabric of Teare, (Teare: Col. 7, lines 50-59), or the cotton gauze material of Emerson, (Emerson: Col. 1, lines 35-39), in the autoclave of Blom to be inoperable. Neither Emerson nor Teare discloses curing the uncured sheet using an autoclave. Indeed, Teare discloses an alternative and less abrasive approach of air curing the sheets -the stacking facilitated by the face layers. (Teare: Col. 7, lines 5-8). Accordingly, Applicants submit that the proposed combination is improper.

Accordingly, for all the above reasons, it is submitted that amended independent Claim 61 and independent Claims 68 and 73 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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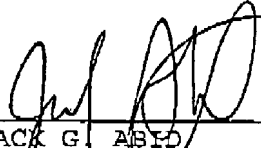
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CONCLUSIONS

In view of the amendments to the claims and the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 16th day of July, 2007.